

REMARKS

The present filing is responsive to the Office Action.

Summary of the Response

No claims have been amended. Claims 1-20 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Claim Rejections Under 35 USC 103

Claims 1-3, 8-13 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al. (US 6,388,146) in view of Akiyama et al. (US 6,577,360); further in view of Sekiguchi (US 6,738,112). Claims 4-5, 7, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al. in view of Akiyama et al. and Sekiguchi; further in view of Kubo et al. (US Patent No. 6,124,919). Claims 6, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al. in view of Akiyama et al., Sekiguchi and Kubo et al.; (or Onishi et al. in view of Akiyama et al. and Sekiguchi), further in view of Maruyama et al. (US 2002/0093612). These rejections are respectfully traversed.

In the present office action at paragraph 11, the Examiner acknowledged that the combination of Onishi and Akiyami does not disclose the light scattering film being disposed between the polarizer and the front substrate. The Examiner referred to Sekiguchi for the missing teaching. Specifically, the Examiner asserted that the white diffusion film 22 in Sekiguchi corresponds to the recited light scattering film, the polarizing film 21 corresponds to

the recited polarizer, and the substrate 1 corresponds to the recited front substrate. The Examiner conveniently left out outer optical layers disclosed in Sekiguchi, namely a retardation film 24 (i.e., effectively a compensation film) between the white diffusion film 22 and the polarizing film 21. Applicant respectfully submits that it is improper for the Examiner to selectively pick optical layers from the cited references, to render obvious the recited optical stack structure.

The recited invention does not include a compensation film between the recited polarizer and the front substrate. Specifically, independent claim 1 recites "the front optical stack consists essentially of a polarizer and an optical light scattering film" (i.e., excluding other essential optical layers); independent claim 11 recites "a first optical stack supported by the first substrate, comprising a polarizer and an optical light scattering film between the polarizer and the first substrate, without a compensation film"; and independent claim 20 recites "an optical stack supported by the first substrate, comprising a polarizer and an optical light scattering film between the polarizer and the first substrate, without further compensation film".

Applicant respectfully submits that in an obviousness inquiry, it would be improper to simply rely on an aggregate of optical layers selected from various references, in the absence of any teaching, suggestion, motivation, or apparent reason to combine them in the first place to obtain a predictable result. The combined effects of the selected optical layers cannot and should not be ignored, as the respective references teaches specific combination of optical layers, and the optical interactions of the various optical layers in the respective references provide the intended results in the respective references. The optical properties of the various layers in the respective references are specifically chosen, to match other optical properties of the other layers, to work in an integrated fashion. In the case of Sekiguchi, a retardation film 24 (i.e., a compensation film) is present between the white diffusion film 22 and the polarizing film 21. It

would be unreasonable for the Examiner to simply cherry pick a particular layer (namely the white diffusion film 22 in Sekiguchi without including the presence of the retardation film 24) and randomly applied that to the combination of Onishi and Akiyama. There is no indication anywhere in Onishi, Akiyama and/or Sekiguchi that it would be desirable to modify the combined structure of Onishi and Akiyama with just the white diffusion film 22 without the retardation film 24 disclosed in Sekiguchi. Applicant notes that Akiyama specifically excluded a retardation film in its device.

All the independent claims require a optical light scattering film between the polarizer and first substrate, without a compensation film. The resultant effects of such recited combination of optical layers in the front optical stack of the present invention would not have been predictable or expected results to a person skilled in the art, because simply plugging a white diffusing film 22 disclosed in Sekiguchi in between a polarizer and a substrate disclosed in the combination of Onishi and Akiyama without consideration of the effects of such white diffusing film 22 and the retardation film 24 in Sekiguchi would not be reasonable. Therefore, it would not have been obvious to modify Onishi and Akiyama with Sekiguchi, because the results of the combination would not have been predictable or expected, without additional disclosure found only in the present invention. The Examiner has not set forth a prima facie case of obviousness.

The Examiner never addressed in the present action the recited absence of compensation film in the front optical stack in claims 1, 11 and 20, and further claims 9 and 10 (respectively more specifically recite "the front optical stack includes only the polarizer and the optical light scattering film" and "the front optical stack does not include a compensation film"). Should the Examiner maintain the present rejections, the Examiner need to set forth prima facie basis for

support obviousness to modify Onishi and Akiyama by selectively choosing and ignoring specific teachings in Sekiguchi.

In view of all the foregoing, Applicant respectfully submits that the present invention as defined by the pending claims are not rendered obvious by Onishi, Akiyama and Sekiguchi. The additional secondary references Kubo and Maruyama do not make up for the deficiencies of Onishi, Akiyama and Sekiguchi.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.**

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 501288** referencing the attorney docket number of this application.

Respectfully submitted,



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